

REMARKS**Overview**

Claims 1-11 and 16 are pending in the present application. Claims 1 and 8 have been amended, claims 12-15 have been cancelled. Claim 16 is new. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

**Issues Under 35 U.S.C. § 103**

Claims 1 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,838,814 to Moore in view of U.S. Patent No. 6,764,015 to Pearson. The present response amends independent claims 1 and 6 to further distinguish the prior art references from the claimed invention. There are significant differences between the present invention and the cited prior art references. It is respectfully submitted that the amendments to claims 1 and 6 clarify these differences by making these differences explicit in the language of the claims.

Claim 1 has been amended to clearly indicate the purpose of the invention by reciting "A method of using a negotiable instrument with protection to avoid acceptance of a fraudulent check at the point and time of transaction between a merchant and a check writer". Claim 1 now also requires "determining by the merchant whether to accept or refuse the check at the point and time of transaction based on the steps of comparing the personal identification information from the bar code with the information provided by the check writer, comparing the photo identification upon the negotiable instrument to the writer, and comparing the pre-printed signature upon the negotiable instrument to the signature placed by the writer upon the negotiable

instrument". Thus, claim 1 as amended makes clear that the invention of claim 1 protects against identity theft by providing a merchant with the means to compare identity information about the account holder of the check with information about the writer of the check. This occurs at the point and time of transaction between the merchant and the check writer.

Thus, claim 1 is further distinguished over Moore. Although Moore teaches that certain information associated with a check may be bar coded. Moore discloses only that information such as coded representations of an authorized signature are bar coded (col. 7, lines 13-187). Moore discloses that this bar coded information is only read at a central clearing house. Moore does not disclose that this information is used by the merchant at the point in time of transaction to verify the identity of the check writer. This aspect of Moore is directed towards authenticating the check, not the identity of the check writer. Nor does Pearson recognize the importance of making this information available to the merchant at the point and time of transaction so that the merchant can verify the identity of the check writer. Pearson is merely directed towards resolving problems associated with stolen account numbers, not identity theft. Therefore, it is respectfully submitted that this rejection to claim 1 must be withdrawn.

With respect to claim 6, claim 6 has been re-stylized as a system claim to further clarify differences between the cited prior art references and the claimed invention. Claim 6 now emphasizes that the pre-printed bar code on the check is associated with a bar code scanner for scanning the pre-printed bar code on the check at the point and time of transaction. Claim 6 also now requires a display adapted for displaying the personal information about the writer at the point and time of transaction to aid a merchant in determining whether the writer of the check corresponds with the personal identified by the check. Thus, claim 6 is clearly directed towards resolving a problem of identity theft at the point and time of purchase.

Therefore, it is respectfully submitted these rejections to claims 1 and 6 should be withdrawn.

Claims 2-5, 7 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore in view Pearson as applied to claims 1 and 6 and further in view of U. S. Patent Application No. 2002/0071682 to Iguchi et al. Deficiencies of Moore and Pearson have already been discussed. Iguchi does not remedy these deficiencies with respect to claims 1 and 6, as Iguchi is not directed towards the problem of identity theft and the point and time of a transaction. Therefore, it is respectfully submitted that these rejections to claims 2-5, 7 and 8 should also be withdrawn.

Claims 9 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of Pearson and Iguchi as applied to claim 8, and further in view of U. S. Patent No. 5,863,074 to Wilkinson. The deficiencies in the rejection to claim 8 have already been addressed. As Wilkinson does not remedy these deficiencies, it is respectfully submitted that this rejection should also be withdrawn. In particular, it is noted that Wilkinson does not use bar codes containing personal information which are read at the point and time of transaction.

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of Pearson as applied to claim 6, and further in view of U.S. Patent Application 2003/0173406 to Bi et al. The deficiencies of Moore and Pearson have already been addressed with respect to claim 6. Bi does not remedy these deficiencies. In particular, Bi discloses an identification document with a photo and bar code, not a check and therefore is not directed towards the problem of identity theft at the point and time of transaction. Therefore, this rejection to claim 11 should be withdrawn.

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pearson in view of Iguchi. Claims 12-15 have been cancelled, thereby mooting this rejection, as well as the rejections to claims 13, 14 and 15.

### New Claim

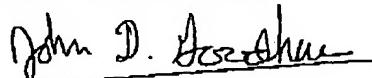
Claim 16 is new and further clarifies the distinction between a method of the present invention and the prior art references of record. It is respectfully submitted that claim 6 is in proper form for allowance as well.

### Conclusion

Please consider this a request for a two-month extension of time from September 3, 2005 to November 3, 2005 and charge Deposit Account No. 26-0084 the amount of \$225.00. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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